

**REGULAR MEETING**  
**Mayor and Council**  
**Borough of Harrington Park, New Jersey**  
**April 19, 2021**

**PUBLIC NOTICE**  
**BOROUGH OF HARRINGTON PARK**  
**MEETING MOVED TO ELECTRONIC PLATFORM**  
**“ZOOM.US”**

Pursuant to Governor Murphy’s Executive Orders #107 and 108 ordering Statewide lockdowns, and P.L. 2020, c. 34 permitting public bodies to conduct meetings via electronic means during declared states of emergency, the meeting of the Borough of Harrington Park scheduled for **April 19, 2021 at 7:00 p.m.** will be conducted remotely from the electronic meeting platform Zoom.us. Members of the public can join the meeting and participate during public comment period by joining the meeting using the Zoom mobile application on a smartphone or tablet, joining the meeting by laptop with microphone capabilities, or dialing in using a telephone to the Zoom teleconference system. Information on how to join the meeting electronically appears below.

Time: Apr 19, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/99672108486?pwd=SEd2YWUzRlR2YjdTQT09>

Meeting ID: 996 7210 8486

Passcode: 067300

One tap mobile

+13017158592,,99672108486#,,,\*067300# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 996 7210 8486

Passcode: 067300

Find your local number: <https://zoom.us/u/a8nHzWB7Y>

Members of the public may submit written comments in advance of a meeting, which will be read during the relevant public portion of the meeting. Written comments shall contain the person’s name and address and may be submitted via email to the Borough Clerk ([clerk@harringtonparknj.gov](mailto:clerk@harringtonparknj.gov)) or by mail addressed to: Clerk, Borough Hall, 85 Harriot Ave., Harrington Park, NJ. Emailed comments must be received at least 48 hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.

If any meeting includes a public hearing, all material that will be considered by the Borough Council at the public hearing shall be posted on or linked to the homepage of the Borough’s

website in a conspicuous location or as otherwise required by law. Written comments, as set forth above, will be accepted for such public hearings. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio. Written public comments will not be considered where sworn testimony is required.

A copy of the agenda and all meeting materials is available at the Borough of Harrington Park website: [www.harringtonparknj.gov](http://www.harringtonparknj.gov).

A copy of the agenda and meeting materials may also be requested by calling the Borough Clerk or submitting an e-mail request. Members of the public may contact the Borough Clerk to obtain copies of the meeting materials by calling the Borough Clerk at (201) 768-1700 during the hours of 9:00 a.m. to 4:00 p.m. during normal business days, or by e-mail: Ann Bistriz [clerk@harringtonparknj.gov](mailto:clerk@harringtonparknj.gov)

All documents for matters on the agenda are electronically on file at the following website: [www.harringtonparknj.gov](http://www.harringtonparknj.gov).

Please be aware that the audio connections for all members of the public will be muted for the duration of the meeting, except for those periods when public comments are received. Members of the public may use the “raise your hand” feature on Zoom, or may e-mail the Borough Clerk during the meeting, to request to participate in public comment portions. Any member of the public will be unmuted for the purpose of making public comment, or may submit a comment by e-mail to be read by the Borough Clerk. The Borough Clerk’s e-mail is: [clerk@harringtonparknj.gov](mailto:clerk@harringtonparknj.gov) . The Borough may impose time limitations on the length of individual speakers.

Members of the public are advised that the video and audio of the meeting will be recorded and will be a public record subject to disclosure pursuant to the Open Public Meetings Act. The Borough reserves the right to post the recording of the meeting to its website.

Formal Action may or may not be taken.

Any other business that may come before the Council

**(PAH) Call Meeting to Order**

**Time: 7:02pm**

**Mayor’s Announcement:**

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD and SUBURBANITE. A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

**(ALB) Roll Call:**

	PRESENT	ABSENT
NAPOLITANO(AN)	x	
EVANELLA (GE)	x	

WALKER (DW)	x	
BROCKMAN (JB)	x	
PEDERSEN (JP)	x	
CHUNG (JC)	x	

**Also present:**

**Ms. Ann H. Bistriz, Borough Clerk (ALB)**

**Mr. John Dineen, Borough Attorney**

**(PAH) Flag Salute**

**(PAH) Motion to Suspend the Regular Order of Business**

**Motion GE**

**Second JP**

**AIF**

**Mr. Larry Rossi, 107 Klein Street (LR)**

Present to ask support of a petition/ survey that has gone out to school parents requesting the Harrington Park School District open to full days of education. Over 200 families have signed, and Mr. Rossi is looking forward to presenting at the in-person BOE meeting this week. The Borough has gone 13 months without full days of education. JC thanked Mr. Rossi for his update to Council; since all do not have children still in the HP School. JC acknowledged that through discussions with Dr. Fried and BOE that there is a true commitment to open the school to full days. JC understands that other districts may be successful.

LR noted that his wife works for the Tenaflly School District and they started with hybrid that has since offered in-person education for full days. They have had 53 more hours of education time than Harrington Park. Originally, there were about 75 students in-person, and now they are up to 150 (out of 290 students-Middle School). In addition, there is reported individual cases of COVID 19, but no major outbreaks. Other school districts in the State have been successful. It would be beneficial if Harrington Park considers this approach for the last nine weeks of school.

JC stated that it is encouraging to see that schools are moving forward in a positive manner. Harrington Park has always kept their fields open to the public (when other towns did not). Discussions with the BOE have ensured that they want to open in a safe and responsible manner, with a proactive plan in place for the students and parents.

JC added that the Mayor and Council has historically been respectful of the decisions that the BOE makes on behalf of our residents. The Mayor and Council is supportive of the School's plan and is hopeful that the school will open up safely.

LR will be attending Thursday's in-person meeting of the BOE which he hopes will promote a positive opportunity to work together.

JC thanked Mr. Rossi and will see him at the BOE meeting.

JP noted that he was familiar with the petition that came to his daughter.

PAH added that the number of COVID cases are still jumping in Harrington Park. The Borough has had 11 new cases in the past 2 weeks. Hopefully, all can be resolved between the parents and the BOE.

LR thanked the Mayor and Council for their time and support.

**(AN) CERTIFICATE OF APPRECIATION**

PAH requested AN to read the Certificate of Appreciation for Mr. Zavardino into the record.

AN thanked JZ for his long tenure with the Borough of Harrington Park. He held several titles and did so much for the residents of the Borough.

Addendum G

AN stated that as Liaison to the Department he really appreciated all Mr. Zavardino did.

PAH placed a write up in the Newsletter which will be published next month. Mr.

Zavardino performed a great service for Harrington Park.

**(PAH) Return to the Regular Order of Business**

**Motion AN**

**Second JB**

**AIF**

**(PAH) Minutes Approval**

**March 8, 2021**

**Motion JP**

**Second JB**

**Vote AIF (GE abstain)**

**March 15, 2021**

**Motion GE**

**Second JP**

**Vote AIF**

**(PAH) Consent Agenda-Resolutions-**

**All matters listed under this section are considered to be routine by the Borough Council and will be enacted by one motion as listed below. There will not be separate discussion of these items. Should discussion be desired, that item will be removed from the Consent Agenda and will be considered separately under New or Old Business on the Agenda.**

**Consent Approval: A-C**

**(A) 2021-79 HP Runners Association 5K Race**

**(B) 2021-80 Endorsing Resolution for Bergen County Open Space Trust Fund-Tennis Court Improvements**

**Motion JP**

**Second JC**

**No Discussion**

**AIF**

AN inquired regarding the resolution below to discuss the age limitation and reasoning why the age of enforcement 21, and not 18. AN was considering requesting the “boiler plate” resolution to change the age to 18 on behalf of Harrington Park.

JP explained that this is considered under the umbrella of a substance enforcement such as alcohol, which is 21. He added that the purpose of this resolution is to allow police to do their job without civil or criminal liability. The PBA has pushed for this type of legislation to make it as clear as possible to enforce the rulings that have been instilled by the State. Discussion followed regarding what constitutes a minor and how the age applies to this resolution.

JRD and JP both agreed that in the body of the resolution, much information and details are added, however, the bottom line is the *BE IT RESOLVED* at the end that basically states the concern and position of the request. JRD added that the intent is to have the Assembly and Senate resolve to protect police officers while doing their jobs under the laws of the State of New Jersey. As with many State concerns, sometimes a good intention is not through to implementation.

**(C ) 2021-81 Resolution Urging The Legislature To Amend Senate Bill 3454 (Also Known As Assembly Bill 5342) To Permit Law Enforcement Officers To Perform Their Duties Without Substantial Risk of Civil and Criminal Liability**

**Motion JP**

**Second GE**

**No Further Discussion**

**Roll Call Vote AIF**

**Individual Committee Reports**

**(PAH) Mayor Hoelscher**

There will be a celebration at St. Andrews Church on May 2, 2021, honoring Rev. Diane Rhodes on her retirement.

**(AN) Planning Bd., Bd. of Adjustment, Construction, Fire, Ambulance**

**Proclamation for Mr. Joseph Zavardino-Addendum G**

**Ambulance Corps**

26 Calls (16 in Harrington Park/ 10 Outside HP-4 in Norwood)

**Fire Department**

11 Calls, 2 drills, 1 Bail Out Training, 1 of each-Interborough, Chiefs, and Work meetings

1 Allegro walk through and also an Allegro Mutual Aid training

Coverage provided to Hillcrest NY (Nursing Home fire)

All of AN Department were busy in the month of March

**(GE) Police, Municipal Court, Personnel**

**(DW) DPW, Building & Grounds, Sanitation/Recycling**

**(JB) Board of Health, Environmental Commission**

**(JP) Finance, Admin. & Exec., Grants**

**(JC) Recreation Commission, Liaison to Board of Education, Public Information**

Recreation approved the purchase of additional receptacles and pooch papers for dog waste collection.

There have been an abundance of requests for field use. This is a good time for Recreation to review their fee schedule to be more in line with neighboring communities. Recreation requests the DPW to fill in the potholes at Highland Field.

Club 60 is hosting an event at the Pavilion in June. JC requests that the field area be closed to the public that day to provide some privacy for the group. This will be their first meeting since the pandemic closed everything down; and would this would help make the event quite special.

Council was in support of this request.

Continual discussion have been on going with Dr. Fried on the support of the Asian American community. Parent and students have been addressed about the current climate that we are living.

25% of the school library will now have books written by color, and diversity workshops are underway with teachers to eliminate the “unconscious bias” that we all have. These are not easy discussions, but are great steps forward for our community. JC is thankful for these measures.

**(ALB) Borough Clerk/Administrator**

### **Old Business**

**(JRD) Prohibiting Roosters Amendment to Chicken Ordinance-Board of Health**

JRD noted this is a “fluid” discussion and he has to wait until he hears anything from Judge Fierro, since a summons has been issued by Property Maintenance, to the resident with the rooster.

As of now, the nuisance section of our code applies, not because someone owns a rooster, but they are not containing the noise of the rooster. As it stands now, there are a variety of ways to look at this situation. JRD is prepared to discuss with the Borough Prosecutor and Judge.

Board of Health can chose to act as they may to enhance the existing ordinance that they wrote and adopted.

### **New Business**

**(JC)** The Environmental Commission, as well as many residents, in the Hazel and Peat Street area, are aware of the bridge access over the end of the street ditches into the woods. This is Suez property, however, the area is traveled so much, and there is a clear path.

Three weeks ago an ATV, with construction equipment, was traveling down Hazel Street, to apparently build a bridge at the end of the street. This is private property. After calling police three times, they responded to the area. Apparently, at that juncture, another resident had called, and the group was dismantling the bridge.

JC requested that something be done to prohibit this type of activity. ATV tracks are evident down Hazel Street. This is a serious issue that is creating a security and safety issue in that neighborhood. JC requested that the Police Committee work with the Department to discourage these types of activities.

PAH added that this is not the first time these types of activities have taken place in that area. Bridges, and even sofas, have been pulled out of the woods. The property may have oversight from SWAN, which Peter Ardito is on the executive board.

JRD added that PAH is ahead of the curve with much of these types of activities in the area; especially on Bogerts Mill Road. The Borough has offered to be the authority along the properties that back up to Suez land to enforce encroachment issues without the placement of fencing down all the backyards.

JRD and PAH can reach out regarding Peat Street and Hazel Street to help keep the ATVs out of the woods. However, it should be noted that the area does allow for passive recreational activities.

JC is concerned that there is no supervision of any kind in that area.

JRD explained that the Borough does not have an authority to police Suez property. We have an agreement with the Beechwood section.

Discussion followed about a deterrent plan to keep people away from entering the woods in that area. Perhaps rocks can be placed at the end of the streets by the DPW. All were in agreement that would help keep out the vehicles.

ALB will reach out to the DPW to see what they can do. JC requested that this be addressed as soon as possible, while the issue is still small.

JP stated that we need to get permission from Suez. JRD added that is difficult. In the past, Suez (United Water) took pride in their lots of land throughout the Borough. Now, they are following a “natural state” policy which allows them to do virtually nothing on their lands. All is kept messy and full of weeds.

AN requested that the police be given key areas to watch more often, deterring people away from performing construction and bringing in ATVs into the woods, be it our property, or someone else’s.

JRD informed Council that ATVs need to be registered or they are not allowed on our roadways. If you see an ATV going down the road, the police should be called. A warning can be made to the parents (if a minor). JRD will also work on wording for signs to be placed in the area as well.

#### **(JRD) Restriction on the Sale of Cannabis in the Borough of Harrington Park**

Municipalities have 180 days to put together and adopt an ordinance placing restrictions on the sale of Cannabis in Harrington Park. If the Council does not adopt anything, they cannot make any changes for 5 years. Conversely, if there is an ordinance in place, Council can make changes in the future, if they desire.

AN is in support of this ordinance but inquired into oversight on on-line sales within in municipal limits. JRD admitted that so much of this is new that there are not answers for everything. However, internet commerce is covered by different rules and regulations. Taxes that local governments want to charge would have to approved by the County and then by the State. This is all a lengthy process.

ALB will send this ordinance up to the Board of Health and the Planning Board to review.

JRD recommends the passage to Council since the opportunities and the enforcement issues are unknown at this time and the Borough should keep the best options open.

**(PAH) Mayor's Report**

**(PAH) Open the Meeting to the Public**

**Motion JP**

**Second DW**

**Vote AIF**

**(PAH) Close the Meeting to the Public**

**No public present**

**Motion JB**

**Second DW**

**No further comment**

**Vote AIF**

**Ordinances**

**(JB) Ordinance #751 Adoption Addendum-D**

**Amendment to Ordinance §350-45-Lamoid or Any Member of the Camelidae Family**

**Motion JB**

**Second DW**

**Discussion None**

**Vote AIF**

**(PAH) Meeting Open to discussion of Ordinance #751 Only**

**Motion JB**

**Second DW**

**Vote AIF**

**No Public present**

**Meeting Closed to discussion of Ordinance #751**

**Motion JP**

**Second GE**

**Vote AIF**

**(AN) Ordinance #752 Adoption-Addendum-E**



**Amendment to Ordinance 297-32 Accessibility to Fire Hydrants**

**Motion AN**

**Second JP**

**Discussion** AN requested that ALB distribute to Property Maintenance and Fire Chief Barragato

**Vote AIF**

**(PAH) Meeting Open to discussion of Ordinance #752 Only**

**Motion JP**

**Second DW**

**Vote AIF**

**No Public Present**

**Meeting Closed to discussion of Ordinance #752**

**Motion AN**

**Second JP**

**Vote AIF**

**(AN) Introduction Ordinance #754 by Title-Addendum F**

**AN ORDINANCE BY THE BOROUGH OF HARRINGTON PARK IN THE  
COUNTY OF BERGEN, NEW JERSEY PROHIBITING THE OPERATION OF ANY  
CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES  
AND AMENDING ARTICLE III , SECTION 350-6, PROHIBITED USES, OF THE  
BOROUGH CODE**

**Motion**

**Second**

**Discussion**

**Roll Call Vote**

~~**(PAH) Motion for Closed Session Time:**~~

~~Second~~

~~Vote~~

**RESOLUTION**

~~**WHEREAS**, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and~~

~~**WHEREAS**, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.~~

~~**BE IT FURTHER RESOLVED** that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.~~

~~**Return to Open Session**~~

**Adjournment-Time: 8:28pm**

**Motion: JP**

**Second: JC**

**Vote: AIF**

**Addendum A**

**Resolution**

**2021-79**

**RESOLUTION**

**HARRINGTON PARK RUNNERS ASSOCIATION 5K RACE**

**WHEREAS**, the Harrington Park Runners Association, requests to use the Harrington Park Borough Hall parking lot for additional parking for the 5K Fall Spectacular, November 13, 2021 between the hours of 7am-1pm; and

**WHEREAS**, the Harrington Park Sports Boosters will contact the Superintendent of Roads, Fire Department Chief and the Chief of Police for their guidance in traffic control, parking and the placing of signs and directional devices, so the event will run smoothly and safely; and

**WHEREAS**, signage for the HP Fall Spectacular 5K shall be allowed to be hung across Schraalenburgh Road and at Highland Field on Tappan Road.

**WHEREAS**, Harrington Park Runners Association will provide proof of insurance on behalf of their organization; and

**WHEREAS**, all signage shall be removed promptly after the 5K event takes place; and

**BE IT RESOLVED** by the Mayor and Council of the Borough of Harrington Park that it has no objection to using the Borough Hall parking lot for the Harrington Park Runners Association 5K Fall Spectacular's additional event parking as well as allow event signage to be placed though the Borough to be removed within 24 hours of the event.

**Addendum B**

**TRUST FUND APPLICATION**

**MUNICIPAL ENDORSING RESOLUTION**

Borough of Harrington Park

Resolution No.: 2021-80

**WHEREAS**, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

**WHEREAS**, the Borough of Harrington Park desires to further the public interest by obtaining a matching grant of \$617,733.40 (\$308,866.70 to be provided by the County and \$308,866.70 to

be matched by the Borough of Harrington Park) from the County Trust Fund to fund the following project: **George Street Tennis Courts Improvements Project**; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on To Be Completed Upon Scheduling of Public Hearing, 2021; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Harrington Park Mayor and Council:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of May 14, 2021, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Harrington Park Mayor and Council has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough of Harrington Park Mayor and Council is committed to providing a dollar for dollar cash match for the project; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Borough of Harrington Park Mayor and Council agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

That this resolution shall take effect immediately.

Certified as a true copy of the Resolution adopted by the Council

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

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(Clerk)

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(Mayor)

**Addendum C**  
**2021-81**  
**Resolution Urging The Legislature**  
**To Amend Senate Bill 3454 (Also Known As**  
**Assembly Bill 5342) To Permit Law**  
**Enforcement Officers To Perform Their Duties**  
**Without Substantial Risk of Civil and Criminal Liability**

**WHEREAS**, Senate Bill 3454 (also known as Assembly Bill 5342) (collectively “the Legislation”); and

**WHEREAS**, the Legislation prohibits law enforcement officers from engaging in certain actions when investigating an individual under the age of 21 for possession of marijuana, hashish, cannabis, or alcohol. The legislation criminalizes the conduct of officers who respond to a call for service or are investigating the underage use of marijuana, hashish, cannabis, or alcohol by:

- no longer allowing the odor, possession or consumption of marijuana, hashish, cannabis or alcohol to be used as reasonable articulable suspicion to initiate a stop of an individual under the age of 21, nor does it provide probable cause to search the person's personal property or vehicle,
- no longer allowing for marijuana, hashish, cannabis or alcoholic beverages, observed in plain sight to constitute probable cause to initiate a search of an individual under the age of 21 or that individual's personal property or vehicle,
- an individual under the age of 21 shall not be arrested, detained, or otherwise taken into custody except to the extent required to issue a written warning.
- Officers are further prohibited from contacting the minor's parent or guardian to advise them of the minor's possession or consumption of marijuana, hashish, cannabis or alcoholic beverages for the minor's first offense.

**WHEREAS**, the Legislation will discourage officers from enforcing underage use and possession of marijuana, hashish, cannabis, or alcohol and will specifically expose officers to civil and criminal liability for the deprivation of civil rights, even if the officer did not act with specific intent to deprive a person of his or her civil rights; and

**WHEREAS**, the Mayor and Council of the Borough of Harrington Park believes that the Legislation will result in officers avoiding situations where criminal conduct has occurred to limit exposure to civil and criminal liability; and

**WHEREAS**, the Mayor and Council of the Borough of Harrington Park is of the opinion that the Legislation creates significant burdens on law enforcement and will obstruct police officers from performing their duties and conducting lawful investigations of individuals under the age of 21, who possess or consume any amount of marijuana, hashish, cannabis, or alcohol in any public place, including a school, criminalizing law enforcement actions; and

**WHEREAS**, the Legislation will severely limit the ability of law enforcement agencies to police our community effectively, increase risks to children from illicit drugs and alcohol, and fail to protect society from criminal drug activity and impaired drivers to the detriment of public safety.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Harrington Park that it does hereby indicate its strenuous opposition to the Legislation and urge members of the State Senate and General Assembly to immediately enact amendatory Legislation so as to permit law enforcement personnel to perform their duties in the interest of safety and general welfare without substantial risk of civil and criminal liability.

**Addendum D**  
**Ordinance #751**  
**Amendment to ordinance §350-45**  
**Lamoid or Any Member of the Camelidae Family**

**WHEREAS**, from time to time Borough of Harrington Park in furtherance of its obligation to the community health safety and welfare of its residents must review its ordinances an update them according to community standards and needs;

**WHEREAS**, the Borough has determined that §350-45 needs to be updated to meet community standards and needs;

**NOW THEREFORE BE IT ORDAINED** that the term “Hoofed Animal” however defined or wherever occurring within the existing codes of the Borough of Harrington Park shall include “Lamoid or any member of the Camelidae Family”  
§350-45

**HOOFED ANIMAL**

Any animal which is a solid-hoofed or cleft-hoofed quadruped, including but not limited to horses, ponies, sheep, goats, cows, mules, donkeys, LAMOID OR

ANY MEMBER OF THE CAMELIDAE FAMILY and swine, whether mature animals or their young.

**Be it Further Ordained** that the Borough clerk and such other authorized persons shall appropriately edit and amend the Ordinances to reflect the action referenced herein.

**Addendum E**  
**Ordinance #752**

**Amendment to Ordinance 297-32 Accessibility to Fire Hydrants**

WHEREAS, emergent conditions as a result of snowfall/ice imperil the health welfare and safety of all residents of the Borough of Harrington Park;

WHEREAS, it is the obligation of landowners abutting, touching or contiguous to public sidewalks, walkways and fire hydrants to clear such public way and fire hydrants;

WHEREAS, the Mayor and Council have duly considered the proposed amendment below;

**AMENDMENT TO ORDINANCE §297-32**

The owner or owners, or tenant or tenants, of lands abutting or bordering upon a sidewalk in a public street, avenue, highway or public place shall be responsible for the removal of all snow and ice from such sidewalk or applying ice-melting compounds within 24 hours after the same shall be formed or fall thereon. In addition to the following responsibility, any owner or tenant of lands abutting a municipal fire hydrant shall be required to remove all snow and ice accumulation within a 3 foot radius of such fire hydrant, providing that such hydrant shall be readily visible to emergency services all for the benefit of the health safety and welfare of Harrington Park residents.

In addition to all other remedies, failure to police/ clear snow around fire hydrants shall constitute an ordinance violation, penalties to be assessed by the Municipal Court of not less than \$100 nor more than \$500 for each day of continued violation, such violation to be issued by the Building Department.

**Addendum F**  
**Proposed Ordinance #754**

**AN ORDINANCE BY THE BOROUGH OF HARRINGTON PARK IN THE COUNTY OF BERGEN, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING ARTICLE III , SECTION 350-6, PROHIBITED USES, OF THE BOROUGH CODE**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, Section 31a of the Act authorizes municipalities by Ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act authorizes municipalities by Ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such

Ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Mayor and Council of the Borough of Harrington Park has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Harrington Park in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough's residents and members of the public who visit, travel, or conduct business in the Borough of Harrington Park, to amend the Borough of Harrington Park's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Harrington Park; and

**WHEREAS**, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Harrington Park, in the County of Bergen, State of New Jersey, as follows:

1. Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Harrington Park, except for the delivery of cannabis items and related supplies by a delivery service.

2. Article VIII, Prohibited Uses, of Chapter 350, Zoning, adding Section 350-6(D), Prohibited Uses, of the Borough Code is hereby amended by adding to the list of prohibited uses in all Zones within the Borough, the following: Prohibited Uses shall include "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

3. Any person found guilty of violating the provisions of this Ordinance shall be subject to such fines and penalties as set forth in Section 164 of the Borough Code.



4. Any article, section, paragraph, subsection, clause, or other provision of the Harrington Park Borough Code inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

5. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

6. This Ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

#### **Addendum G**

## **CERTIFICATE OF APPRECIATION**

PRESENTED TO  
**JOSEPH ZAVARDINO**

**FOR HIS YEARS OF SERVICE TO THE BOROUGH OF  
HARRINGTON PARK**

WHEREAS, Mr. Joseph Zavardino started employment with the Borough of Harrington Park in 2001 as Fire Protection Sub Code Official; and

WHEREAS, in 2007, Mr. Zavardino additionally held the titles of Building Inspector and Construction Code Official; and

WHEREAS, in 2011, Joe also was hired as Construction Code Official, Zoning Official, and RCCO Inspector; and

WHEREAS, Long-time residents, as well as newcomers to the Borough, have and will continue to benefit from the oversight of Mr. Zavardino of the Building Department.

NOW THEREFORE BE IT RESOLVED, the Borough of Harrington Park thanks you for all your time and dedication provided to servicing the residents of the municipality, ensuring that construction projects are safe and to code.

WE WISH YOU WELL ON YOUR RETIREMENT, AND ONCE AGAIN THANK YOU FOR OVER 20 YEARS OF EMPLOYMENT TO THE BOROUGH OF HARRINGTON PARK.

PRESENTED:  
APRIL 19, 2021

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**Paul A. Hoelscher, Mayor**